

**REMARKS**

In response to the office action mailed March 2, 2004, please consider the following remarks.

The office action indicates that certain features are not shown in the drawings, including the logic circuits of claim 18 and the flag circuits of claim 27. That objection is overcome by amendment. Now the logic and flag circuits are defined by functional language.

Claims 10 and 15 were rejected under 35 USC 112. Applicants submit that the claims comply with the statute.

Claim 10 states that at least some of the depressions are spaced from a center line of the continuous wobbled groove. This feature is shown in several embodiments. See Figs. 7A and 7B where the space "s" represents a distance from the center line. See also Fig. 9B. The elements that achieve the desired result are conventional elements that locate the beam on the disc.

Claim 15 is also proper. It defines a means for modulating in terms of two inputs to the means. That is a definition of a means and it is not a desired result. It defines the means for modulation in terms of its input signals. The desired result is the mastered disc, not the input signals.

Applicants thank the examiner for allowing claims 27-34 and for indicating that claims 18-19 have patentable subject matter.

Claim 2 is amended to correct a wording error and claim 20 is amended to correct a spelling error. Otherwise, the claims are as originally presented.

Applicants think the following remarks will show that the rest of the claims are patentable over the applied art of record. All of the claims were rejected under 35 USC 102 or 103 based on Ogata et al. (US 5,940,364) or Endoh et al. (US 6,487,164). Some of the claims are rejected on a combination of either of those reference combined with one or more references selected from the group of Auwens et al. (6,377,518), Browne et al. (5,608,711) Yanagimachi et al. (5,696,758) and Sannio et al (6,043,764).

Regarding independent claim 1, the applied art fails to show or suggest a modulation control means that concurrently forms a continuous wobbled groove and a track of exposed depression along the wobbled groove in the

ROM portion of the disc. In Ogata the wobbled groove is not continuous. See Fig. 1a of the reference and note that the regions 9b are not exposed and so the groove is not continuous. Neither region 19 nor region 20 of the reference has a continuous wobbled groove. In Endoh the ROM portions of the disc do not have wobble grooves.

Regarding independent claim 2, the applied art fails to show or suggest a laser beam modulation control system for controlling the operation of optical modulators to form a continuously frequency modulated exposed groove with exposed depressions in the ROM portion of the disc. In Ogata the wobbled groove is not continuous. See Fig. 1a of the reference and note that the regions 9b are not exposed and so the groove is not continuous. Neither region 19 nor region 20 of the reference has a continuous wobbled groove. In Endoh the ROM portions of the disc do not have wobble grooves.

Further regarding claim 2, the applied art fails to show or suggest at least two modulators where one provides a continuous exposed groove and the other exposes depressions in the continuous groove. In Ogata the wobbled groove is not continuous and in Endoh the wobbled groove does not have depressions in the groove.

Turning to independent claim 3, the applied art fails to show or suggest a laser beam modulation control system that concurrently forms a continuous wobbled groove and a track of exposed depressions along the wobbled groove in the ROM portion of the disc. In Ogata the wobbled groove is not continuous. See Fig. 1a of the reference and note that the regions 9b are not exposed and so the groove is not continuous. Neither region 19 nor region 20 of the reference has a continuous wobbled groove. In Endoh the ROM portions of the disc do not have wobble grooves.

Independent claim 13 is likewise distinguished from the applied art. Neither Ogata nor Endoh shows or suggests a radiation beam modulation control system that modulates the intensity and frequency of the beam in the ROM portion of a hybrid disc to form a continuous and frequency modulated wobbled groove with intensity modulated depression. In Ogata the wobbled groove is not continuous. See Fig. 1a of the reference and note that the regions 9b are not exposed and so the groove is not continuous. Neither

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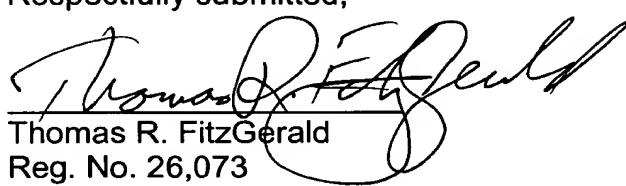
region 19 nor region 20 of the reference has a continuous wobbled groove. In Endoh the ROM portions of the disc do not have wobble grooves.

Claims dependent from claims 3 and 13 are patentable for the same reasons given above. The primary references of Ogata and Endoh fail to show or suggest the claimed features of independent claims 3 and 13 and thus their dependent claims are *prima facie* patentable over the applied art.

Respectfully submitted,

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Date

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